REMARKS

Reconsideration of the application is requested.

Claims 1-15 are now in the application. Claims 1 and 5 have been amended. Claim 15 has been added.

Applicant appreciatively acknowledges the Examiner's confirmation of receipt of applicant's claim for priority under 35 U.S.C. § 119(a)-(d) and acknowledges that the certified copy of the priority document has not yet been received. However, applicant also notes that there is no indication acknowledging the claim for domestic priority under 35 U.S.C.§ 120 despite the specific reference on page 1, lines 7-9 to International Application PCT/EP98/06003, filed September 21, 1998.

In item 2 on page 2 of the above-identified Office action, the Examiner improperly assumes the application is filed under former 37 CFR § 1.60. Specifically, the Examiner stated, "This application filed under former 37 CFR 1.60 lacks the necessary reference to the prior application. A statement reading 'this application claims priority of German Application No. 19743758.3, filed October 2, 1997.' Should be entered following the title of the invention or as the first sentence of the specification. Also, the current status of

all nonprovisional parent applications referenced should be included." Accordingly, applicant respectfully traverses the indication that the claim of priority for the disclosure was somehow deficient.

Section 120 of Chapter 35 of the United States Code provides that an application shall have the same effect as though filed on the date of a prior continuation application if the application "**contains** or is amended to contain a specific reference to the earlier filed application." (Emphasis added by applicant.) On page 1, lines 7 to 9, the instant application **does** contain such a specific reference to the earlier filed application, i.e. to International Application PCT/EP98/06003, filed September 21, 1998.

In contrast, Section 119(b) of Chapter 35 of the United States Code provides that an application may claim priority of an application first filed in a foreign country if a "**claim** therefor and a certified copy of the original foreign application, specification and drawings upon which it is based are filed in the Patent and Trademark Office **before the patent is granted.**" (Emphasis added by applicant.) In other words, Section 119 requires that an applicant file a Claim of Priority -- Section 119 does **not** require that the **specification contain** the Claim for Priority. As stated

above, applicant has made and filed the Claim of Priority from German Patent No. 197 43 758.3, filed September 2, 1997, concurrent with the instant amendment.

In item 3 on page 2 of the above-identified Office action, the Examiner indicated a belief that the claim of priority as required by 35 U.S.C. § 119(b) was somehow deficient. The Examiner is correct that applicant has not yet filed the certified copy of the German Patent Application No. 197 43 758.3, filed September 2, 1997. However, as previously discussed Section 119 of Chapter 35 of the United States Code only requires that "a certified copy . . . [be] filed . . . before the patent is granted." Accordingly, applicant will file such copy upon receipt by the undersigned.

In item 4 on page 2 of the above-identified Office Action, the IDS filed April 3, 2000 has been objected to because the European reference 0 607 493 A2 and the German reference DE 44 46 286 C1 are not in English. Enclosed are copies of the corresponding US patents for previously filed European Patent Application 0 607 493 A2, US Patent No. 5,421,017 (Scholz et al.), dated May 30, 1995 and US Patent No. 5,832,269 (Döllinger et al.), dated November 3, 1998. A literal translation of previously filed German Patent DE 44 46 286 C1, dated June 20, 1996, is also enclosed.

In item 5 on page 3 of the above-identified Office Action, the Examiner objected to claims 9-14 because of informalities based in part on MPEP § 608.01(n). More specifically, the Examiner states, "a claim which depends from a dependent claim **should** not be separated by any claim which does not also depend from said dependent claim (see e.g. claims 9-14)" (emphasis added). As the Examiner is aware, the term "**should**" is not equivalent to the term "**must**" as is further supported by the Examiner's statement that "in general, applicant's sequence will not be changed." In the instant application, claims 9-11 and claims 12-14 represent separate groups of claims, where each group adds the same limitation to claim 6, claim 7, and claim 8. Thus, these claims were grouped together to assist the Examiner by keeping the claims containing the same added limitation grouped together.

In item 7 on page 4 of the above-identified Office Action, claims 1-14 have been rejected as being indefinite under 35 U.S.C. § 112, second paragraph.

More specifically, the Examiner states that "performing regular processing" is sufficiently vague as to render the claims indefinite. The Examiner explains that for purposes of this Office Action, the term "regular processing" has been

further treated as reading, "taking no action." Applicant respectfully traverses this interpretation of the claim language, as the results of the comparison step would both result in the data processing unit "taking no action." Applicants propose that a more reasonable interpretation, supported by the language of the claims, would be to assume that if the comparison finds a matching signal revision identity that the processing unit performs the desired digital signal processing and otherwise the data processing unit does not perform the digital signal processing, which in many configurations may equate to "taking no action" on the signal.

While applicants respectfully traverse the Examiner's construed interpretation of claim language, the rejection has been noted and the claims have been amended in an effort to even more clearly define the invention of the instant application. Support for these changes may be found in the original claims and on pages 4, 7, and 11 of the specification of the instant application.

It is accordingly believed that the specification and the claims meet the requirements of 35 U.S.C. § 112, second paragraph. The above-noted changes to the claims are provided solely for clarification or cosmetic reasons. The

changes are neither provided for overcoming the prior art nor do they narrow the scope of the claim for any reason related to the statutory requirements for a patent.

In item 9 on page 5 of the above-identified Office Action, claims 1-8 have been rejected as being fully anticipated by U.S. Patent No. 5,619,716 to Nonaka et al. (hereinafter '716) under 35 U.S.C. § 102(e).

In item 11 on page 8 of the above-identified Office Action, claims 9-14 have been rejected as being obvious over '716 under 35 U.S.C. § 103(a).

The rejection has been noted and the claims have been amended in an effort to even more clearly define the invention of the instant application. Support for the changes is found on pages 4 and 7 of the specification of the instant application.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed in the two independent claims, would be helpful. Claim 1 calls for, *inter alia*, a responsive system for digital signal processing including:

a plurality of data processing units communicating with one another through a data transmission unit, the data processing units implementing at least one computer program dependent on a respective update status, the system be configured as follows:

each of the data processing units **assigning a revision identity to signals produced by the data processing unit,**

one of the data processing units **comparing the revision identity of a received signal with a stored revision identity stored for that received signal** to determine if the revision identity matches and executing the at least one computer program on the received signal upon matching the revision identity and otherwise not executing the processing associated with the at least one computer program on the received signal.

Claim 5 calls for, *inter alia*, a method for operation of a responsive system for digital signal processing, including:

providing a plurality of data processing units communicating with one another through a data transmission unit;

implementing at least one computer program depending on a respective update status in the data processing units;

producing a signal with one of the data processing units and **assigning a revision identity to the signal characterizing an update status of the signal**, for each communication; and

comparing **the revision identity of the received signal** with a **revision identity stored for that received signal** in one of the data processing units receiving a signal.

The **'716** reference discloses an information processing system in which the version of a redirector stored in a client machine is transmitted, upon starting a redirector program, to a configuration management program stored in a server machine. When the version update on the server is newer, an update request and the new redirector is sent to the client machine to update the redirector. As can be seen the "update" or "version" teachings of **'716** are limited to the "redirector" or program, and there is no discussion of assigning a "revision identity to a signal produced" by the client machine of **'716**. This difference is explicitly recited in col.3, lines 48 to 56 of **'716** which states, "comparing means for comparing version **of the program stored** in the second storage means . . ." (emphasis added).

Information processing systems similar to that described in **'716** are directed to maintaining comparable revision status in computer components or modules, not to individual signals as in the instant application. In these component-based systems, it is often necessary to update the entire module or component before communication can be established between modules on the server and client machine. Unfortunately, communication between modules is completely suppressed if no compatibility with regard to identity can be determined. As such, the communications between the components or modules often come to a halt so that the component or module versions may be updated to ensure reliable processing within the system. In contrast, the instant application does not suppress all communication between two modules or components, but if necessary, may provide signal specific suppression of individual signals.

Clearly, **'716** does not show "assigning a revision identity **to a signal** produced by said data processing unit" as recited in claim 1 of the instant application. Nor does **'716** show "performing a comparison to determine if the revision identity characterizing **the received signal** matches a revision identity stored **for that signal**" as recited in claim 1 of the instant application.

Moreover, '716 does not show "producing a signal with one of the data processing units, and **assigning a revision identity to the signal** characterizing an update status of the signal, for each communication" as recited in claim 5 of the instant application. Furthermore, '716 does not teach or suggest determining "if the revision identity characterizing **the received signal** matches a revision identity stored **for that signal**" as recited in claim 5.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claim 1 or claim 5. Claim 1 and claim 5 are, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on either claim 1 or claim 5.

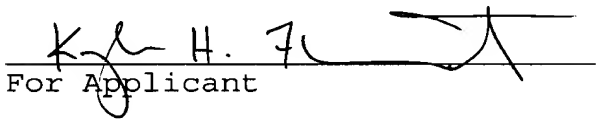
In view of the foregoing, reconsideration and allowance of claims 1-15 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

Petition for extension is herewith made. The extension fee for response within a period of one month pursuant to Section 1.136(a) in the amount of $110.00 in accordance with Section 1.17 is enclosed herewith.

Please charge any other fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner and Greenberg, P.A., No. 12-1099.

Respectfully submitted,



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